

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH, GEORGIA
2014 DEC 29 PM 1:50

FAUSTIN KIDIBU,

Plaintiff,

v.

THE FRESH MARKET, INC.,

Defendant.

CLERK 
SO. DIST. OF GA.

CASE NO. CV414-199

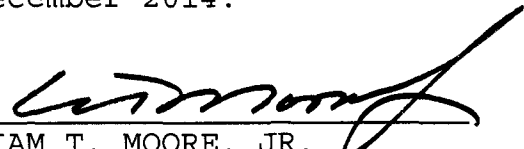
O R D E R

Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 8), to which objections have been filed (Doc. 10). After a careful de novo review of the record in this case, the Court concludes that Plaintiff's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case. As a result, Defendant's Motion to Dismiss (Doc. 5) is **GRANTED** and the parties are **DIRECTED** to submit this claim for arbitration according to the terms of their arbitration agreement. The Clerk of Court is **DIRECTED** to close this case.

In his objections, Plaintiff appears to complain that Defendant will not negotiate with respect to his claims. While the arbitration agreement does require the parties to first use "reasonable efforts to settle the dispute" (Doc.

8 at 3), the parties must submit the claim to the American Arbitration Association should they fail to negotiate a settlement of their dispute within sixty days. (Id.) Therefore, Plaintiff may have a cause of action should Defendant refuse to arbitrate his claim, but not one based on a failure to negotiate. Because Plaintiff does not allege Defendant has failed to enter into arbitration, Defendant's Motion to Dismiss must be granted.

SO ORDERED this 29th day of December 2014.



WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA